

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Leslie Martinez	Team: Squad #08	CCRB Case #: 202103553	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/11/2021 7:30 PM	Location of Incident: in the vicinity of 100th and 101st Street between Amsterdam Ave and Columbus Ave	18 Mo. SOL 12/11/2022	Precinct: 24		
Date/Time CV Reported Sat, 06/12/2021 8:42 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/12/2021 8:42 PM		
<b>Complainant/Victim</b>	<b>Type</b>	<b>Home Address</b>			
<b>Witness(es)</b>	<b>Home Address</b>				
<b>Subject Officer(s)</b>	<b>Shield</b>	<b>TaxID</b>	<b>Command</b>		
1. POM Christophe Diaz	08897	945665	024 DET		
<b>Officer(s)</b>	<b>Allegation</b>			<b>Investigator Recommendation</b>	
A . POM Christophe Diaz	Abuse: Police Officer Christopher Diaz threatened to issue a summons to § 87(2)(b)				
B . POM Christophe Diaz	Abuse: Police Officer Christophe Diaz threatened to damage/seize § 87(2)(b) property.				

### Case Summary

On June 12, 2021, § 87(2)(b) filed this complaint via the CCRB online website.

On June 11, 2021, at approximately 7:30 p.m., § 87(2)(b) parked his car in the vicinity of 100 Street near Amsterdam Avenue in Manhattan. After parking, Detective Christopher Diaz from the 24<sup>th</sup> Precinct threatened to issue § 87(2)(b) a summons and tow his vehicle because he parked in a police parking spot. (**Allegation A and B: Abuse of Authority,** § 87(2)(g))

There was no body-worn camera (BWC) footage of this incident as Det. Diaz was not taking law enforcement action and therefore not required to record. [BR1]

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Christopher Diaz threatened to issue a summons to § 87(2)(b).**

**Allegation (B) Abuse of Authority: Police Officer Christopher Diaz threatened to seize § 87(2)(b) property.**

It is undisputed that Det. Diaz told § 87(2)(b) his vehicle might be towed or summonsed if he did not move his parked car.

In § 87(2)(b) CCRB interview on June 17, 2021, he testified that on Friday, June 11, 2021, at approximately 7:30 p.m., he parked his Black Volkswagen Atlas on 100th Street near Amsterdam Avenue and the 24th Precinct stationhouse. § 87(2)(b) parked 100 feet from the entrance of the 24th Precinct stationhouse bordering an NYC parking sign stating, "No Parking Tuesday and Friday between 11:30am and 1:00pm" § 87(2)(b) observed mixed parking rules between Amsterdam and Columbus Avenue, with designated police parking and alternate side parking rules. § 87(2)(b) has parked on that block before, and during the incident, he did not see other indicators that he could not park there.

Two minutes after parking the car, § 87(2)(b) his wife, and their three children were walking home § 87(2)(b) when his children alerted him that someone was calling after him. § 87(2)(b) crossed the street towards Det. Diaz, while his family went home. When § 87(2)(b) approached Det. Diaz, Det. Diaz told him to move his vehicle because he parked on a police precinct block and said, "this is for police officers only; if I tell you to move your car, you move your car."

As they were talking, they walked back towards 24th Precinct stationhouse and passed by § 87(2)(b) vehicle. § 87(2)(b) showed Det. Diaz the parking sign beside where he parked, and Det. Diaz said, "it's a police precinct block. I want you to move your vehicle. It was parked illegally." He repeated several times, "you can't park there. It's a police precinct block. I want you to move the car now before I have it towed. I'm going to have them give you a summons and tow your car." § 87(2)(b) asked why he would tow his car if he had parked there before and Det. Diaz responded, "this is for police officers only. I tell you to move your car; you move your car. I am the police, and that's why you can't park here. Move your car." Det. Diaz pointed to a "police parking only" sign across the street from § 87(2)(b) vehicle, approximately 100 feet away, and § 87(2)(b) told him he did not park near that sign. As they walked in front of the 24th Precinct stationhouse, § 87(2)(b) pulled his cellphone out to record, at which point Det. Diaz walked inside the stationhouse. [BR02]

On August 25, 2021, Det. Diaz was interviewed by the CCRB and testified that on June 11, 2021, he saw a car parking into a spot Det. Diaz believed was known for police parking. Det. Diaz told § 87(2)(b) the previous signs indicated police parking, but because there was construction on the

street, the current signs did not reflect that. Det. Diaz did not precisely indicate what areas were reserved for police parking, but said the entire block was police parking only.

He added if § 87(2)(b) parked there, he might be subject to a summons or possible towing. Det. Diaz clarified that he did not directly threaten to issue § 87(2)(b) a summons or tow his vehicle but informed him that this may occur if he parked there.

Det. Diaz has worked at the 24th Precinct for two and a half years, and it was his understanding that the North side of 100th street heading towards Amsterdam Avenue, where § 87(2)(b) parked, was reserved for police parking. Before June 11, 2021, when there was construction on the street in front of the 24th Precinct stationhouse, there was a street sign indicating "police parking." After the construction, the parking sign was removed and replaced with new parking rules. Det Diaz did not know the start or end date of the construction and was not aware of those changes until § 87(2)(b) brought it to his attention during the incident. Det. Diaz did not recall what sign § 87(2)(b) showed him.

Det. Diaz was shown a Google map image of 168 West 100th Street, a few feet from the stationhouse from July 2019, depicting an "authorized vehicles only. Police parking" sign. Det Diaz was not sure if the sign in the Google map was the same sign he said existed before the construction. However, it may have been a similar sign reflecting the same thing for the section west of the 24th Precinct stationhouse.

Det. Diaz did not know if, under the new sign's rules, civilians could park on that street because he was unaware the parking signs changed. In addition, he did not receive any notifications of new parking signs in front of the 24th Precinct stationhouse. Between the construction end date and the date of the incident, Det. Diaz did not issue any summons or call to tow any civilian's vehicle on that street.

Det. Diaz was shown a photograph § 87(2)(b) provided, depicting a "Tuesday and Friday, 11:30 a.m. – 1:00 p.m., back-in angle parking only," parking sign. [BR2] Det. Diaz confirmed the photo was a few feet west of the 24th Precinct stationhouse on the north side of the street and was unsure if that was the sign § 87(2)(b) showed him during the incident. Based on the parking sign, Det. Diaz acknowledged that § 87(2)(b) could park there but stated that he believed there was a possibility that he would have received a summons or violation under "no parking." However, when asked why § 87(2)(b) would receive a summons, Det. Diaz stated a vehicle could be subject to towing and summoning if someone leaves it for more than three days. However, Det. Diaz did not see § 87(2)(b) vehicle parked for more than three days and in fact saw him entering the parking spot. Aside from the parking signs, no street markings indicated designating parking in the vicinity where § 87(2)(b) parked. [BR03]

§ 87(2)(b) provided the investigation a cellphone photo taken during the incident capturing § 87(2)(b) Black Volkswagen Atlas parked on the left of a parking sign. The parking sign has a letter "P" with a broom through it, stating "Tuesday – Friday, 11:30 a.m. – 1 p.m." [BR4]

On June 30, 2021, fieldwork was conducted in the vicinity of the 24th Precinct stationhouse. All signs on both sides of the street indicate restricted parking for truck loading, ambulances, police vehicles, or fire department vehicles, with one exception – a sign directly across from the 24th Precinct stationhouse. The parking sign indicates the only parking restriction is for street sweeping on Tuesdays and Fridays between 11:30 a.m. and 1:00 p.m. [BR05]

According to New York City Department of Transportation, Section 4-08, one authorized regulatory sign anywhere on a block, which is the area of sidewalk between one intersection and the next, shall be sufficient notice of the restriction(s) in effect on that block. [BR06]

According to New York City Department of Transportation parking rules and regulations, street cleaning parking regulation sign indicates when vehicles may not park at this location during certain time period and day(s). Broom symbols identifies signs as a location subject to street cleaning regulations. When regulation is in effect, you may stop to load/unload packages or merchandise at curbside and you may stop to expeditiously drop off or pick up passengers. [BR07]

Det. Diaz was unaware the parking sign in front of the 24th Precinct stationhouse was replaced before the incident and that § 87(2)(b) was in fact parked in a valid spot. Nevertheless, he told § 87(2)(b) that his vehicle may be towed or that he could be summonsed if he did not move his car. § 87(2)(g)

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Detective Christopher Diaz has been a member of service for 13 years and has been a subject in eight CCRB complaints and eight allegations, none of which were substantiated.

§ 87(2)(g)

#### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of 9/27/2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint [BR07].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 8

Investigator: Leslie Martinez  
Signature

Investigator, Leslie Martinez  
Print Title & Name

9/30/2021  
Date

Squad Leader: Ethan De Angelo  
Signature

IM Ethan De Angelo  
Print Title & Name

10/1/2021  
Date

Reviewer: \_\_\_\_\_  
Signature

Print Title & Name

\_\_\_\_\_  
Date

